



**City of Durham**  
**Request for Proposals (RFP)**

Date of Issue: **November 23, 2015**  
Due Date: **December 21, 2015**

**PROFESSIONAL SERVICES TO CONDUCT A COMPREHENSIVE COMPENSATION STUDY FOR  
THE CITY OF DURHAM POLICE AND FIRE DEPARTMENTS**

**Through this RFP, the City of Durham is seeking proposals from experienced Consultants to conduct** a comprehensive compensation study, as outlined in the scope of work, of the City's Police and Fire Pay Plans and to recommend associated pay administration policies.

**Questions about this RFP should be directed to:**

<b>Project Manager</b>	Alethea Hardy
<b>Title</b>	Human Resources Manager
<b>Department</b>	Human Resources Department
<b>Address</b>	101 City Hall Plaza, Durham, NC 27701
<b>Telephone</b>	919-560-4214, ext. 23026
<b>Email</b>	<a href="mailto:alethea.hardy@durhamnc.gov">alethea.hardy@durhamnc.gov</a>

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**Date of RFQ:** The date of issuance is November 23, 2015 and the due date for submitting proposals is December 21, 2015 at 2:00pm.

**Project Manager and Contact with City; Questions about this RFQ.** Direct questions and concerns to:

**Attn: Alethea Hardy**  
Human Resources Department  
101 City Hall Plaza  
Durham, NC 27701

Phone: (919) 560-4214, ext. 23026  
Fax: (919) 560-4969  
Email: alethea.hardy@durhamnc.gov

#### **DESCRIPTION OF PROJECT AND NATURE OF RFP**

**Project:** The City of Durham is searching for a Candidate to conduct a comprehensive compensation study, as outlined in the scope of work, of the City's Police and Fire Pay Plans and the associated pay administration policies. The tangible deliverables expected include, but is not limited to, providing the City's Human Resources Department with:

- Pay plans for Police and Fire that support internal equity and maintain external competitiveness;
- Recommended applicable policies, procedures and guidelines for ongoing effective salary administration and pay plan maintenance.

The resulting recommendations will be expected to address existing salary relationships between employees, offering recommendations as necessary regarding pay equity. The successful proposal will also provide a methodology for fair and equitable pay progression for ranked personnel.

**Background:** The City of Durham's population is approximately 250,000. The Police Department employs 512 sworn police officers and the Fire Department employs 306 sworn firefighters. These employees move through the pay grade to which their rank is assigned based on annual performance reviews and associated merit increases conducted on their anniversary date. The salary structures for both departments contain pay grades with open ranges, with specified minimums, midpoints and maximums.

Pay increases are based on performance reviews, however, pay is not differentiated based on higher levels of performance; merit pay is currently 3% for meeting or exceeding expectations, with the exception that Police Officers receive 5% merit increases for their first five merit increase opportunities.

The salary structures for the Police Department and Fire Department have not been adjusted since the implementation of their current pay plans in 2009. The 2009 Pay Plan implementation placed police officers and firefighters at positions within the pay grades

based on a combination of years of service and years in current rank, recognizing seniority through the ranks as a salary placement strategy.

**Scope of Work:** The City of Durham is soliciting proposals for Compensation Consulting Services to assess the City's Police Department and Fire Department Pay Plans and to offer solutions to create market-competitive, equitable and effective pay plans, including provision of recommended policies and procedures to maintain sound salary administration. This Scope of Work is intended to be a general guide to the work contemplated, and is not a complete list of all services that might be required or desired. The successful Consultant will provide, at minimum, the following deliverables:

[a] Ensure market study validity and address the competitive market position by providing compensation analysis using similar-sized Southeastern municipalities for comparison. The following pay plan study components must be addressed:

1. Compare the salary structure and pay ranges with comparator cities performing the same or similar functions.
2. Compare actual employee pay with comparator cities performing the same or similar functions (including a comparison based on years of service and merit pay)
3. Compare number of years to progress to top pay in ranks with comparator cities performing the same or similar functions
4. Compare special assignment pay with comparator cities performing the same or similar functions.

[b] Provide a detailed description of the compensation structure methodology to be used if the Candidate has a pre-designed system; or provide a description of the process for determining the best compensation structure if the recommendation will depend more heavily on the findings of systems used by other Police and Fire Departments in the market comparison.

[c] Provide a proposed timeline to include the start, all project milestones and completion dates for the study. Timeline should also include a clear outline of the communication plan for the project regarding milestones met, including the communication medium, frequency and target audience.

[d] Bring forth information gained by having conducted similar studies and research of best practices for governmental entities and other comparable organizations.

[e] Provide professional resumes of all personnel to be involved in the study and a clear indication of the responsibilities of each project team member.

[f] The Candidate will use information collected from market-comparable police and fire departments to produce Police Pay Plan and Fire Pay Plan recommendations regarding the following:

1. Recommend salary structure features that will provide opportunities for advancement and career ladder progression, while examining salary overlap between levels of responsibility
2. Recommend appropriate job classifications to recognize all functioning ranks
3. Recommend salary schedules for Police and Fire, with the appropriate number of pay grades to support the ranks, defining the minimums, midpoints and maximums, as well as the range spreads and midpoint progression (percentage spread from one pay grade midpoint to the next); or recommend alternative salary structures if appropriate (i.e. pay step systems).
4. Recommend assignment of the ranked classifications to appropriate grades based on compensation analysis.
5. Recommend placement of current employees upon implementation within the appropriate ranks/classifications, including addressing any salary equity concerns that may arise.
6. Specific recommendations must also include addressing pay treatment for entry-level recruits in Police and Fire, along with their progression to fully trained, sworn Police Officers and Firefighters.
7. Recommendations for pay progression methods must include sound practices to prevent salary bypassing and mitigate pay compression. Implementation recommendations must address any pay equity issues discovered as part of this compensation analysis.

[g] The Candidate will develop comprehensive salary administration guidelines for the Police Pay Plan and Fire Pay Plan to include strategies for the following:

1. Ongoing pay structure maintenance (including a recommended cycle for market review)
2. Guidelines for how any future structure adjustments being implemented should impact employee pay; these guidelines should be based on a methodology that allows the City to determine market-based salary adjustments consistent with a process by which the City can maintain a competitive position in the market, considering relative competing fiscal demands and financial constraints.
3. Guidelines for merit based salary increases (moving through assigned pay ranges)
4. Pay policies with regard to promotions (percentages and timing of pay changes)
5. Pay policies with regard to demotions and voluntary reassignments (such as moving from 12 or 24 hour shift to 8 hour day)
6. Pay policies with regard to lateral transfer hiring rates, both for external candidates as well as for City of Durham employees transferring from other City departments.

[h] The Candidate will also provide training and tools necessary for implementation; and recommend and/or provide any tools for maintaining the pay schedules in the future.

[i] The Candidate will recommend methods for awarding pay for performance using the proposed pay structures, including the review/reward schedule (anniversary dates throughout the fiscal year versus one common appraisal date) as well as recommended percentage increases to remain competitive in the market. The recommendation will be expected to balance rewarding performance with equitable movement of personnel through the ranges and ranks.

[j] The Candidate will provide recommendations for various incentives currently in use, or in consideration of being implemented, in the Police and Fire Departments based on best practices and market research. Incentives to be considered include, but are not limited to, the following: Sign-on bonuses and other hiring incentives; interview and relocation expenses; Hazmat Team; Technical Rescue Team, Urban Search and Rescue Team, Relief Driver, Swift Water Rescue Team, Breath Alcohol Content Verifier [BACV], Computer Voice Stress Analysis [CVSA], language, education and other certification stipends.

[k] The Durham Police Department is accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), and the Fire Department is accredited by the Commission on Fire Accreditation International (CFAI). Both Departments must meet their accrediting organization's standards, and any implemented plans must meet those standards.

[l] The Candidate will work with the Project Committee to produce an analysis of the financial impact of implementing recommendations for the DPD and DFD Pay Plans. The Candidate will recommend implementation strategies, balancing market considerations and City resources.

**Definitions in this RFP: City, RFP, Proposal, Candidate, Contractor, Should.** Unless the context indicates otherwise – (a) The expressions “RFP,” “this RFP,” and “the RFP” refer to this document as it may be amended or updated. (b) “City” and “city” mean the City of Durham. (c) The “proposal” is the response of a person, firm, or corporation proposing to provide the services sought by this RFP. (d) The word “Candidate” or “candidate” is the person, firm, or corporation that submits a proposal or that is considering submitting a proposal. (e) The word “Contractor” or “contractor” is the person, firm, or corporation with which the City enters into a contract to provide the services sought by this RFP. That is, “contractor” generally refers to a successful candidate that has obtained a fully executed contract with the City, while “candidate” is generally reserved to the stage before a contract has been signed. (f) The word “should” is used to tell candidates what the City thinks it wants and/or what the project manager thinks is best. Candidates that want to increase the

likelihood of being selected will, in general, do what the RFP says candidates “should” do, but failure to comply with all “shoulds” will not necessarily and automatically result in rejection.

**Contract:** The City anticipates that at the conclusion of the RFP process a written contract between the City and the successful candidate will be executed defining the roles and responsibilities of each party and under which the successful candidate will provide the goods and services generally described in this RFP.

**Schedule:** The City intends to finalize its selection of a vendor no later than January 29, 2016.

**Trade Secrets and Confidentiality:** N/A

**Bonds:** No fidelity bond, performance bond or payment bond is required for this agreement.

**Insurance:** Contractor agrees to maintain, on a primary basis and at its sole expense, at all times during the life of this Contract the following applicable coverage’s and limits. The requirements contained herein, as well as City’s review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under this Contract.

**Commercial General Liability** – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.

**Additional Insured** – Contractor agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read ‘City of Durham as its interest may appear’.

**Certificate of Insurance** – Contractor agrees to provide City of Durham a Certificate of Insurance evidencing that all coverage’s, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Contractor’s insurer. If Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read:

City of Durham  
Attn: (Insert Name of Department maintaining the Contract)  
101 City Hall Plaza  
Durham, NC 27701

All insurance companies must be authorized to do business in North Carolina and be acceptable to the City of Durham's Risk Manager.

**Discretion of the City:**

- A. The City of Durham reserves the right to reject any or all Proposals.
- B. NOTWITHSTANDING anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the City reserves the right (i) to negotiate changes of any nature with any candidate with respect to any term, condition, or provision in this document and/or in any Proposals, whether or not something is stated to be mandatory and whether or not it is said that a proposal will be rejected if certain information or documentation is not submitted with it, and (ii) to enter into an agreement for some or all of the work with one or more persons, firms, or corporations that do not submit Proposals. For example, all deadlines are for the administrative convenience or needs of the City and may be waived by the City in its discretion. This subparagraph B applies to the entire RFP, including the SDBE portions.
- C. Where the City asks or tells candidates to do stated things, such as that a Proposal should follow a stated format or that the candidate should do stated things in seeking the contract, the City may reject a Proposal because it does not comply with those requests, so the candidate is adding to its risk of rejection by non-compliance. Still, the City may, in its discretion, waive non-compliance. This subsection (C) does not limit subsections (A) and (B).
- D. Of course, once an agreement is signed, the parties to the agreement may enforce the agreement according to its terms as allowed by applicable law.

**SCHEDULE**

**Schedule:** The work schedule set out herein represents the City's best estimate of the schedule that will be followed. If a component of the schedule, such as the completion date is delayed, the overall schedule will be adjusted accordingly.

The City expects that the contract will require the services to be complete by July 1, 2016.

<b>Timeline for RFP Process</b>
<b>RFP Posting on 11/23/2015</b>
<b>Pre-proposal Conference on 12/09/2015 @ 2:00 PM</b>
<b>Receive Proposals on 12/21/2015 @ 2:00 PM</b>
<b>Pay Plan Project Team Recommends Selection of Consultant by 1/15/2016</b>
<b>Negotiations with selected Consultant by 1/29/2016</b>



<b>Automated Agenda Deadline 2/2/2016</b>
<b>Agenda Review 2/10/2016</b>
<b>Work Session 2/18/2016</b>
<b>City Council Meeting to Approve Contract 3/7/2016</b>
<b>Consultants Begin Project Week of 3/7/2016</b>

<b>Project Milestones</b>
Initial meeting with the Consultants and Project Team (HR/DPD/DFD) to discuss the process, schedule, and tasks to be performed pursuant to the contract awarded.
Meet with Consultants to review the current pay plans, orienting them to the current pay systems and related processes.
Develop a work flow and communications plan for the project, including deliverables and milestones. Establish progress report format and timelines for tracking project progression.
Consultants conduct study and develop recommendations according to contract awarded.
Consultants deliver viable Police Pay Plan and Fire Pay Plan, including all elements outlined in the contract awarded.
Consultants present at meetings throughout the study to gather information, develop and explain recommendations and facilitate implementation process of the new Pay Plans. Meetings will include sessions with the Project Team, City Manager, City Council, and other stakeholders, to explain the full study methodology, survey results, and resulting recommendations.
Consultants formally present the final Pay Plans and accompanying documents to the Project Team, City Manager's Office, City Council, and DPD and DFD employees. The Contractor must explain to all parties involved the project scope, methodology used to collect data and create recommendations for implementation, along with providing a detailed explanation of all proposed Pay Plan changes, the implementation plan and associated administrative guidelines.

**Keeping Proposals Open:** N/A

**Deadline to Submit Proposals:** Applicants should see that their Proposals are received at the following address by December 21, 2015 at 2:00 PM: 101 City Hall Plaza, Durham, NC 27701.

## GETTING MORE INFORMATION ON THE PROJECT AND RFP PROCESS

**Questions:** Questions about the RFP and the RFP process should be submitted to the project manager identified at the beginning of this RFP in writing and must be received by December 21, 2015.

**Pre-submittal conferences, meetings, and site visits:** The City will conduct a **Pre-proposal Conference on 12/9/2015 at 2:00pm in the Audit Conference Room of City Hall, 101 City Hall Plaza.** Attendees should already be familiar with this RFP.

**Updates and revisions to RFP:** If you have supplied the Project Manager with your preferred method of contact (email, fax, etc.), updates to this RFP (“addendums” or “addenda”) will be sent to you in that manner. This RFP and addendums are normally posted on the City’s website, on the Purchasing Division’s webpage. Check that webpage to see that you have received all addenda at: <http://durhamnc.gov/ich/as/fin/Pages/bids.aspx>

## EVALUATION CRITERIA

**Evaluation Criteria:** Proposals will be reviewed and evaluated on a 100 point basis as outlined below.

### Understanding of the Project— 10 points

Proposals will be evaluated against the questions set out below.

- (a) How well has the candidate demonstrated a thorough understanding of the purpose and scope of the project?
- (b) How well has the candidate identified issues and potential problems related to the project?
- (c) How well has the candidate demonstrated that it understands the deliverables the City expects it to provide?
- (d) How well has the candidate demonstrated that it understands the City's schedule and can meet it?

### Methodology Used for the Project— 30 points

Proposals will be evaluated against the questions set out below.

- (a) How well does the methodology depict a logical approach to fulfilling the requirements of the RFP?
- (b) How well does the methodology match and contribute to achieving the objectives set out in the RFP?

(c) How well does the Candidate's proposed schedule align with delivering the final product?

### **Management Plan for the Project— 20 points**

Proposals will be evaluated against the questions set out below.

(a) How well does the management plan support all of the project requirements and logically lead to the deliverables required in the RFP?

(b) How well is accountability completely and clearly defined?

(c) Is the organization of the candidate's project team clear?

(d) How well does the management plan illustrate the lines of authority and communication?

(e) To what extent does the candidate already have the hardware, equipment, and licenses necessary to perform the contract?

(f) Has the candidate offered alternate deliverables and gone beyond the minimum tasks necessary to meet the objectives of the RFP?

(h) Is the proposal practical and feasible?

(i) How well have potential problems been identified?

(j) Is the proposal responsive to all material requirements in the RFP?

### **Experience and Qualifications— 30 points**

Proposals will be evaluated against the questions set out below.

*Questions regarding the personnel.*

(a) Do the individuals assigned to the project have experience on similar projects?

(b) Are resumes complete and do they demonstrate backgrounds that are desirable for individuals engaged in the work the project requires?

(c) How extensive are the applicable education and experience of the personnel designated to work on the project?

(d) How knowledgeable are the candidate's personnel of the local area and how many individuals have worked in the area previously?

*Questions regarding the candidate:*

- (e) How well has the candidate demonstrated experience in completing similar projects on time and within budget?
- (f) How successful is the general history of the candidate regarding timely and successful completion of projects?
- (g) Has the candidate provided letters of reference from clients?
- (h) How reasonable are the candidate's cost estimates?
- (i) If subcontractors will perform work on the contract, how well do they measure up to the evaluation used for the candidate?

### **Contract Cost— 10 points**

The lowest cost responsible proposal will receive the maximum number of points allocated to cost. Cost is one of a number of factors, so a candidate with the lowest cost cannot count on being selected.

## **CONTENTS OF PROPOSAL**

### **Contents of Proposal**

The Proposal should include sections, numbered as indicated below. In preparing the Proposal, applicants should refer to the evaluation criteria stated above.

1. **Contact information.** Include the applicant's name and address, and the contact information (name, mailing address, email address, fax number, and telephone number) of the person whom the City should contact regarding the proposal.
2. **Legal Status of the Applicant and Signers.** State the full, exact name of the applicant. State whether the candidate is an individual, corporation, limited partnership, general partnership, limited liability company, professional corporation, professional association, etc. If it is anything other than an individual or a general partnership, specify the State under which the entity is organized. If the State under which the entity is organized is not North Carolina, specify whether the candidate has received a certificate of authority from the N. C. Secretary of State to transact business in North Carolina. State whether the entity is in existence at the time the proposal is submitted, and if not, whether and when the candidate intends to officially form the entity. State the names and titles of the individuals who will sign the agreement with the City.
3. **Qualifications, References, and Licenses.** This part should include the candidate's experience on similar projects and include references and how to contact them. List the candidate's current licenses that are pertinent to this project. It is expected that the candidate that will be awarded the contract will have experience including conducting at least two to three comprehensive pay plan studies for municipalities serving populations of

approximately 200,000 or greater, highlighting experience specifically with Police and Fire Department Pay Plans.

**4. Project Team, Location of Work, and Subcontracting.** State the names and qualifications of the individuals who will have responsibility for this project. Proposals should state to what extent, if any, the work may be subcontracted.

**5. Methods and Procedures.** Information should address all expectations listed in the Scope of Work section of this RFP, and describe the process by which the Candidate will meet those expectations.

**6. Compensation.** Compensation will be determined based on the proposal submitted by the selected candidate.

**7. Assumptions regarding City of Durham Actions and Participation.** If your proposal assumes that the City will take certain actions, provide facilities, or do anything else, you should state these assumptions explicitly.

**8. Completion of Equal Business Opportunity Program Forms.** While there are no SDBE participation goals for this project, in accordance with the Ordinance, all candidates are required to provide information requested in the "SDBE Professional Services Forms" package. **Proposals that do not contain the appropriate, completed "Professional Services Forms" will be deemed non-responsive and ineligible for consideration.**

**Conflict of Interest:** If the candidate has any grounds to believe there could be a conflict of interest, such as that a City employee who is involved in awarding the contract has a connection with the candidate, please explain.

**Non-collusion:** This RFP constitutes an invitation to bid or propose. Sign the following and include it with your response:

The City of Durham prohibits collusion, which is defined as a secret agreement for a deceitful or fraudulent purpose.

I, \_\_\_\_\_ affirm that I have not engaged in collusion with any City employee(s), other person, corporations or firms relating to this submittal. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

#### NON-COLLUSION AFFIDAVIT

By executing this proposal, I certify that this proposal is submitted to the City of Durham competitively and without collusion. I am authorized to represent the candidate both in submitting this bid and in making this Non-collusion Affidavit. To the best of my knowledge and belief, (1) the candidate has not violated N. C. General Statute section 133-24 in connection with the proposal, (2) the candidate has not entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with its proposal, and (3) the candidate intends to do the work with

its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. The neuter includes the masculine and the feminine. The candidate to which this Non-Collusion Affidavit refers is:

\_\_\_\_\_  
(insert name of candidate)

\_\_\_\_\_  
(signature of individual)

#### ACKNOWLEDGMENT

Type or print name of the individual who signed the affidavit:

\_\_\_\_\_  
Type or print the name of Notary Public signing this acknowledgment:

Place where acknowledgment occurred: County of \_\_\_\_\_, State of \_\_\_\_\_

Notary's residence: County of \_\_\_\_\_, State of \_\_\_\_\_

I, the Notary Public named above, certify (1) the individual named above personally appeared before me this day, (2) I have personal knowledge, or satisfactory evidence, of the individual's identity; and (3) the individual acknowledged signing the foregoing affidavit.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

#### **COVER LETTER WITH PROPOSAL**

**Cover letter:** The proposal should contain a cover letter, signed by a principal of the candidate. The cover letter should contain the following statements:

"The undersigned, whose title and position with the candidate are stated next to or beneath his or her signature, has the authority to submit this Proposal (including this cover letter) on behalf of the candidate in response to the City of Durham's Request for Proposal. Our Proposal accepts the terms and conditions stated in the RFP, including the description of services to be performed and the provisions of the agreement to be signed."

The cover letter should contain the paragraph:

"The candidate is not submitting any trade secrets to the City in connection with this proposal or the contract; if the agreement is awarded to the candidate, the candidate will not submit any trade secrets to the City in connection with this proposal or the

agreement. The candidate acknowledges that the City will rely on the preceding sentence.”

## **HOW TO SUBMIT A REQUEST FOR PROPOSAL**

### **How to submit a Request For Proposal (RFP).**

Applicants should submit their proposal in a sealed envelope. The envelope should be addressed for delivery to the Project Manager at the address shown in the “Project Manager and Contact with City” section at the beginning of this RFP.

Write the following prominently on the outside of the envelope: **“REQUEST FOR PROPOSAL TO CONDUCT A COMPREHENSIVE COMPENSATION STUDY FOR THE CITY OF DURHAM POLICE AND FIRE DEPARTMENTS”**

**Proposals are to be received no later than 2 PM on December 21, 2015.** Submittals should not be made by email or fax.

**Format:** No format is specified. One original and 7 copies of the Proposal should be submitted.

**Alternative Proposals:** NA

**Candidate to Bear Expense; No Claims against City:** No candidate will have any claims or rights against the City arising out of the participation by a candidate in the RFP process. No candidate will have any claims or rights against the City for the City’s failure to award a contract to it or for awarding a contract to another person, firm, or corporation, regardless of whether the other person, firm, or corporation participated in the RFP process or did not submit a Proposal that complied with the RFP. A notice of award will not constitute acceptance by the City; the City’s only method of acceptance is the City’s execution of a formal contract in accordance with law.

**Notice under the Americans with Disabilities Act.** A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice (919) 560-4197, fax 560-4196, TTY (919) 560-1200, or ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the event or deadline date.

**Aviso bajo el Acto de Americanos Discapacitados** – Una persona con una discapacidad puede recibir asistencia o servicio auxiliar para participar efectivamente en actividades del gobierno de la ciudad con ponerse en contacto con el Coordinador de ADA, buzón de voz (919) 560-4197, fax (919) 560-4196, TTY (919) 560-1200, o ADA@durhamnc.gov, lo más antes posible

## **Values of City of Durham regarding Treatment of Employees of Contractors**

**Statement of City EEO Policy** - The City of Durham opposes discrimination in employment because of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, or genetic information. Therefore, it desires that firms doing business with the City:

- Not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, or genetic information.
- Take affirmative action to ensure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, or genetic information. -. This action includes employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- State, in solicitations or advertisement for employees, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, or genetic information.
- Include this Statement of City EEO Policy in every purchase order for goods to be used in performing City contracts and in every subcontract related to City contracts.

**Livable Wage** - The City of Durham desires that firms doing business with the City pay their workers an hourly wage while working on City contracts such that, if annualized, a person working 40 hours per week will earn enough money to support a family of 4 above the poverty level, as poverty is defined by the United States Census Bureau. Currently, that wage is \$12.53 per hour.



## EQUAL BUSINESS OPPORTUNITY PROGRAM

It is the policy of the City to provide equal opportunities for City contracting for small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination.

While there are no SDBE participation goals for this project, in accordance with the Ordinance, all contractors are required to provide information requested in the "SDBE Professional Services Forms" package. **Proposals that do not contain the appropriate, completed "Professional Services Forms" will be deemed non-responsive and ineligible for consideration.** The "Declaration of Performance," "Participation Documentation," Managerial Profile," "Equal Employment Opportunity Statement" and the "Employee Breakdown" documents are required of all contractors. In lieu of "Employee Breakdown," contractors may submit a copy of the current EEO-1 form (corporate basis). Other forms in the package should be used as needed.

The Department of Equal Opportunity/Equity Assurance is responsible for the Equal Business Opportunity Program. All questions about "SDBE Professional Services Forms" should be referred to Deborah Giles or other department staff at (919) 560-4180.



# **CITY OF DURHAM SMALL DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

## **PROFESSIONAL SERVICES FORMS**

**Revised 06/08**



**Mailing Address:**  
**101 City Hall Plaza**  
**Durham, North Carolina 27701**  
**Phone: 919-560-4180**  
**Facsimile: 919-560-4513**

**Street Address:**  
**101 City Hall Plaza (Annex)**  
**Durham, North Carolina 27701**

## **CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM**

### **Policy Statement**

It is the policy of the City to provide equal opportunities for City contracting to small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

### **Goals**

To increase the dollar value of all City contracts for goods and services awarded to small disadvantaged business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of socially and economically disadvantaged individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equal Opportunity/Equity Assurance Director shall establish project specific goals for each project or contract based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

### **Equal Business Opportunity Ordinance SDBE Participation Documentation**

**If applicable information is not submitted with your proposal, your proposal will be deemed non-responsive.**

**Declaration of Performance** must be completed and submitted with your proposal.

**SDBE Participation Documentation** must be used to document participation of Small Disadvantaged Business Enterprise (SDBE) on Professional Services projects. All SDBEs must be certified by the City of Durham's Equal Opportunity/Equity Assurance Department prior to submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

**Managerial Profile** must be used to list the managerial persons in your workforce who will be participating in this project.

**Equal Employment Opportunity Statement** for your company must be completed and submitted with your proposal.

**Employee Breakdown** must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the

service/commodity on the City contract, a consolidated employment breakdown must be submitted.

**Letter of Intent to Perform as a Sub-consultant/Subcontractor** must be completed for SDBEs proposed to perform on a contract. This form must be submitted with the proposal.

**Post Proposal Submission SDBE Deviation**

Post proposal submission SDBE deviation participation documentation must be used to report and deviation from SDBE participation either prior to or subsequent to startup of the project. The Equal Opportunity/Equity Assurance Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

**SDBE Goals Not Met/Documentation of Good Faith Efforts**

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase SDBE participation such that the amounts subcontracted are consistent with the established goals.

## **SELECTION OF CONSULTANTS/CONTRACTORS FOR OTHER PROFESSIONAL SERVICES**

### **Goal**

The purpose is to provide Small Disadvantaged Businesses equal opportunities for participation on City of Durham contracts.

### **Definition of the Scope of the Selection Policy**

The Equal Opportunity/Equity Assurance Director shall establish SDBE participation goals for each contract to be awarded by the City. Project specific goals for each project or contract will be based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

In addition to SDBE's specifically certified by the City and listed in a database maintained by the EO/EA Department, the City of Durham may consider a formal certification of another entity to determine whether an applicant meets requirements of the Equal Business Opportunity Program, provided that the City Manager or designee determines that the certification standards of such entity are comparable to those of the City. The City of Durham has determined that the following certifications are comparable to its own and may be used by bidders/proposers: North Carolina Department of Transportation (N.C. DOT), United States Small Business Administration (U.S. SBA) and Raleigh-Durham Airport Authority (RDU).

In lieu of SDBE's listed in its SDBE System, the City of Durham will accept women and minority firms certified by N.C. DOT, U.S. SBA and RDU as meeting its SDBE goal requirements provided the bidder/proposer submits evidence that the firm is currently certified by one of the stated entities at the time of bid/proposal. Failure to provide evidence of certification may disqualify the firm's participation for the purpose of meeting SDBE goals.

Any firm submitted in this manner will be contacted and urged to complete an abbreviated certification process with the City of Durham. For purposes of this document and associated forms, any reference to a "City Certified SDBE," an "SDBE certified by the City" or similar reference shall include reference to a qualified women or minority owned firm certified and approved in accordance with the above paragraphs, even where specific reference is made to the City SDBE database.

### **Small Disadvantaged Business Proposal Requirements**

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services SDBE Forms.

### **Selection Committee for Professional Services**

A selection committee shall be established to be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services are involved; the Equal Opportunity/Equity Assurance Director and Purchasing Manager. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractors, SDBE subconsultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. SDBE Participation; and
12. Documentation of Good Faith efforts.

After ranking the firms presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked firms (3-5). The contracting department will make the final recommendation, prepare contracts for review by the City Attorney, and prepare the recommendation for the City Council including the following:

1. Description and scope of the project;
2. Recommended firm;
3. Contract cost;
4. Time limits;
5. Basis for selection;
6. Source for funding;
7. Equal Business Opportunity Ordinance compliance; and
8. Recommendation that the contract be approved by the City Council.

### **Contract Award**

A provision must be written in each contract with an architect or engineer requiring them to work with Equal Opportunity/Equity Assurance Department in creating and identifying separate work.

### **Project Evaluation**

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the consultant, and any comment he/she cares to make shall be included in the files.

## **DECLARATION OF PERFORMANCE BY CONSULTANT/CONTRACTOR**

Briefly address each of the following items:

1. A brief synopsis of the company and the products/services it provides:
2. Describe the normal procedure used on a bid of this type, giving the flow of purchase from the company to the ultimate purchaser:
3. List anyone outside of your company with whom you will contract on this bid:

The undersigned consultant/contractor certifies that: (check appropriate box)

- a) \_\_\_\_\_ It is the normal business practice of the consultant/contractor to perform all elements of the contract with its own workforce without the use of subcontractors/vendors; and
- b) \_\_\_\_\_ That the above documentation demonstrates this *firm's* capabilities to perform all elements of the contract with its own work force or without the use of subcontractors/vendors.
- c) \_\_\_\_\_ The vendor/contractor will use a subconsultant(s) in the fulfillment of this scope of work.

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**Date**

**Authorized Signature**

**PARTICIPATION DOCUMENTATION  
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)**

<b>Names of all firms (including prime and sub consultants/ Sub contractors)</b>	<b>Location</b>	<b>SDBE Firm Yes/No</b>	<b>Nature of Participation</b>	<b>% of Project Work</b>

TOTAL \_\_\_\_\_

\_\_\_\_\_  
Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)

\_\_\_\_\_  
Signature - Authorized Officer of Prime Consultant/Contractor Firm

\_\_\_\_\_  
Date



## Managerial Profile

Name of Firm: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Date: \_\_\_\_\_

List the managerial persons in your work force who will be participating in this project, including name, position, and whether the individuals are minority or woman within the definition\* of the City of Durham's Equal Business Opportunity Ordinance.

### Managerial Employees

NAME	POSITION	SOCIALLY/ECONOMICALLY DISADVANTAGED* (YES/NO)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\* M-Minority(African American) W-Woman Other-H-Hispanic, AI-American Indian,  
AS-Asian American, Handicapped

**EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**  
 (You may submit your organization's EEO policy in lieu of this sheet)

**EMPLOYEE BREAKDOWN**

**Part A – Employee statistics for the primary location.**

Employment category	Total employees	Total males	Total females	M— a — l — e — s					F — e — m — a — l — e — s				
				White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project manager													
Professional													
Technical													
Clerical													
Labor													
Totals													

**Part B – Employee statistics for the consolidated company. (See instructions for this form on whether this part is required.)**

Employment category	Total employees	Total males	Total females	M— a — l — e — s					F — e — m — a — l — e — s				
				White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project manager													
Professional													
Technical													
Clerical													
Labor													
Totals													

### Letter of Intent to Perform as a Sub-Consultant

The undersigned intends to perform work in connection with the above project as a SDBE:

Minority (African American) ☐ Woman ☐ Hispanic ☐  
American Indian ☐ Asian American ☐ Handicapped ☐

The SDBE status of the undersigned is certified by the City of Durham as identified by the attached copy of certification or the attached SDBE Contractor Identification List supplied by the EO/EA Department.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>ITEMS</u>	<u>PROJECTED COMMENCEMENT DATE</u>	<u>PROJECTED COMPLETION DATE</u>

The consultant will subcontract \_\_\_\_\_% of the dollar value of this contract to a SDBE subconsultant/subcontractor and/or non-SDBE subconsultant/subcontractor.

The undersigned will enter into a formal agreement in the amount of \$\_\_\_\_\_ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name\_\_\_\_\_ Title\_\_\_\_\_  
Company\_\_\_\_\_ Telephone\_\_\_\_\_  
Address\_\_\_\_\_  
Signature\_\_\_\_\_

## REQUEST TO CHANGE SDBE PARTICIPATION

Project: \_\_\_\_\_

Name of bidder or consultant: \_\_\_\_\_

Name and title of representative bidder or consultant: \_\_\_\_\_

Address (including zip code) \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

Total amount of original contract, before any change orders or amendments: \_\_\_\_\_

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: \_\_\_\_\_

Dollar amount of changes proposed in this form: \_\_\_\_\_

The proposed change (*check one*) ☐ **increases** ☐ **decreases** the dollar amount of the bidder's/consultant's contract with the City.

Does the proposed change decrease the SDBE participation? (*check one*) ☐ **yes** ☐ **no**

If the answer is **yes**, complete the following:

**BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):**

Name of subconsultant: \_\_\_\_\_

Goods and services to be provided before this proposed change: \_\_\_\_\_

Is it proposed to eliminate this subcontract? ☐ yes ☐ no

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*):  
\_\_\_\_\_  
\_\_\_\_\_

Dollar amount of this subcontract before this proposed change: \_\_\_\_\_

Dollar amount of this subcontract after this proposed change: \_\_\_\_\_

This subconsultant is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified Women-owned SDBE
- ☐ 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as: 3(a) ☐ Black-owned SDBE 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

**BOX B. Proposed subcontracts other than the subcontract described in Box A above**

Name of subcontractor for the new work: \_\_\_\_\_

Goods and services to be provided by this proposed subcontract: \_\_\_\_\_

Dollar amount proposed of this proposed subcontract: \_\_\_\_\_

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified women-owned SDBE
- ☐ 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as: 3(a) ☐ Black-owned SDBE 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

*Add additional sheets as necessary.*

**SDBE GOALS NOT HAVING BEEN MET. The following information must be presented by the consultant concerning good faith efforts taken.**

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage SDBEs along with other criteria that the City Manager deems proper:

Name of Bidder:

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*If you find it helpful, feel free to attach pages to explain your answers. **How many pages is your firm attaching to this questionnaire?** \_\_\_\_\_ (Don't count the 2 pages of this questionnaire.)*

***If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.***

**1. SOLICITING SDBEs.**

(a) Did your firm solicit, through all reasonable and available means, the interest of all SDBEs certified (that is, in the City's database) in the scopes of work of the contract?

☐ **yes**   ☐ **no**

(b) In such soliciting, did your firm advertise?

☐ **yes**   ☐ **no**

Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads?

☐ **yes**   ☐ **no**

(c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters?

☐ **yes**   ☐ **no**

(d) Did your firm attend the pre-bid conference?

☐ **yes**   ☐ **no**

(e) Did your firm provide interested SDBEs with timely, adequate information about the plans, specifications, and requirements of the contract?

☐ **yes**   ☐ **no**

(f) Did your firm follow up with SDBEs that showed interest?

☐ **yes**   ☐ **no**

(g) With reference to the SDBEs that your firm notified of the type of work to be subcontracted -- Did your firm tell them:

(i) the specific work your firm was considering for subcontracting?   ☐ **yes**   ☐ **no**

- (ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**  
(iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

## **2. BREAKING DOWN THE WORK.**

(a) Did your firm select portions of the work to be performed by SDBEs in order to increase the likelihood that the goals would be reached?

☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected.

**ANSWER:**

## **3. NEGOTIATION.**

In your answers to 3, you may omit information regarding SDBEs for which you are providing Form E-105.

(a) What are the names, addresses, and telephone numbers of SDBEs that you contacted?

**ANSWER:**

(b) Describe the information that you provided to the SDBEs regarding the plans and specifications for the work selected for potential subcontracting.

**ANSWER:**

(c) Why could your firm not reach agreements with the SDBEs that your firm made contact with? Be specific.

**ANSWER:**

## **4. ASSISTANCE TO SDBEs ON BONDING, CREDIT, AND INSURANCE.**

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance? ☐ **yes** ☐ **no**

(Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist SDBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no**

If **yes**, describe your firm's efforts.

**ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors?

☐ **yes** ☐ **no**

If **yes**, describe.

**ANSWER:**

**5. GOODS AND SERVICES.** What efforts did your firm make to help interested SDBEs to obtain goods or services relevant to the proposed subcontracting work?

**ANSWER:**

**6. USING OTHER SERVICES.**

(a) Did your firm use the services of the City to help solicit SDBEs for the work?

☐ **yes**   ☐ **no**

Please explain.

**ANSWER:**

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit SDBEs for the work?

☐ **yes**   ☐ **no**

Please explain.

**ANSWER:**